Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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DRAFT PROTOCOL TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (NPT)

DRAFT PROTOCOL ON THE PROHIBITION OF THE USE OR THREAT OF USE OF NUCLEAR WEAPONS AGAINST NON-NUCLEAR-WEAPON STATES PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

Working paper submitted by South Africa

Preamble

The States parties to this Protocol,

Being also parties to the Treaty on the Non-Proliferation of Nuclear Weapons opened for signature in London, Moscow and Washington on 1 July 1968 (hereinafter called 'the Treaty'),

Convinced that every effort must be made to avoid and avert the danger of nuclear war, to prevent the spread of nuclear weapons, to facilitate international cooperation in the peaceful uses of nuclear energy with particular emphasis on the needs of developing countries, and reaffirming the crucial importance of the Treaty to these efforts, **(Taken from UNSCR 984(1995))**

Taking into consideration the legitimate concern of non-nuclear weapon States that, in conjunction with their adherence to the Treaty, further appropriate measures be undertaken to safeguard their security, **(Taken from UNSCR 984(1995))**

Recognising the legitimate interest of non-nuclear-weapon States parties to the Treaty to receive security assurances, **(Taken from UNSCR 984(1995))**

Reaffirming the need for all States parties to the Treaty to comply fully with all their obligations, **(Taken from UNSCR 984(1995))**

Reaffirming also the importance of the Treaty and the need for the full implementation and achievement of all of its provisions,

Reiterating the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective control, **(Taken from the Principles and Objectives)**

Have decided and hereby agree as follows:

Article I

1. The nuclear-weapon States parties to this Protocol undertake not to use or threaten to use nuclear weapons against a non-nuclear-weapon State party to the Treaty. **(Taken from security assurances statements by NWS of April 1995)**

2. The State parties to this Protocol undertake, individually or collectively, to take appropriate measures in response to a request for technical, medical, scientific or humanitarian assistance from a non-nuclear-weapon State party to the Treaty which is a victim of the use of nuclear weapons. **(Taken from UNSCR 984(1995))**

Article II

1. The security assurance provided for in terms of article I(1) of this Protocol shall be provided by the nuclear-weapon State parties as defined in terms of article IX(3) of the Treaty.

2. The States receiving the security assurance provided for in terms of article I(1) shall be non-nuclear-weapon State parties to the Treaty which are in compliance with their obligations under Article II of the Treaty. **(Taken from security assurances statements by NWS of April 1995)**

3. The security assurance provided for in terms of article I(1) shall cease to apply in the event of an invasion or any other armed attack on a nuclear-weapon State's territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State party to the Treaty in association or alliance with a nuclear-weapon State. **(Taken from security assurances statements by NWS of April 1995)**

Article III

1. The State parties to this Protocol undertake to cooperate with the Security Council of the United Nations in the event of the use or threat of use of nuclear weapons. The Security Council shall consider measures in conformity with the Charter of the United Nations to address such an act or action. **(Taken from UNSCR 984(1995))**

Article IV

1. This Protocol shall be signed and shall be open for signature by any State party to the Treaty. It shall be subject to ratification.

2. This Protocol shall enter into force for each State party on the date of deposit of its instrument of ratification.

3. This Protocol shall be of unlimited duration and shall remain in force indefinitely.

4. This Protocol shall not be subject to reservations.

5. Any amendments to the Protocol proposed by a State party shall follow the same procedure as provided for in article VIII(1) and (2) of the Treaty.

6. Each State party to the Protocol shall in exercising its national sovereignty have the right to withdraw from the Protocol in accordance with the provisions as provided for in article X(1) of the Treaty.

7. The operation and effectiveness of this Protocol shall be reviewed at the Review Conferences of the Treaty.

Article V

1. This Protocol, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the Archives of the Depository Governments of the Treaty. Duly certified copies of this Protocol shall be transmitted by the Depository Governments to the Governments of the signatory States.

2. **IN WITNESS WHEREOF** the undersigned, duly authorised, have signed this Protocol.

3. **DONE** in triplicate, at the cities of London, Moscow and Washington, the ... day of ...